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# San Diego City Attorney **MICHAEL J. AGUIRRE**

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## **NEWS RELEASE**

**FOR IMMEDIATE RELEASE: September 2, 2008**

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### **CITY ATTORNEY DISMISSES CIVIL DAMAGES CLAIM AGAINST POLICE CANINE OFFICER WHOSE DOG DIED OF HEAT STROKE**

**San Diego, CA**—A civil complaint for damages was dismissed today by the San Diego City Attorney's Office against Paul Hubka, a San Diego Police Canine Unit Officer, whose police dog died of heat stroke while under his care. The dismissal comes after a remorseful Officer Hubka represented to the public last Friday that he would raise money to reimburse the Police Department for the purchase of heat-alarm systems for canine patrol cars that will cost about \$36,000.

In a separate case, Officer Hubka is set to receive a \$50,000 cash payment as a result of a settlement between the City of San Diego and three police officers including Hubka. The officers' maintained that the extra pay they receive for handling police dogs should be included in their base compensation for the purposes of determining their retirement benefit.

In dismissing the civil lawsuit, Aguirre said he expects Officer Hubka to use monies from his cash settlement to reimburse the Police Department for the purchase of the heat-alarm systems.

Last Thursday, Hubka pled no contest to a criminal misdemeanor charge of animal endangerment by the District Attorney's Office. The court ordered Hubka to pay half the money for replacing the dog valued at more than \$8,000. In addition, the Police Chief stated that Hubka will no longer work with canines.

On August 8, 2008, the City Attorney's filed the original civil complaint against Hubka.

According to the civil lawsuit, Forrest, a 5-year old Belgian Malinois was under the control and custody of Police Officer Paul Hubka when the dog died of heat stroke on June 20 of this year. Hubka had arrived at his Alpine home that morning after working an over-night shift with Forrest in the back of his police vehicle. The dog was left unattended for several hours in the vehicle with the windows rolled up. Temperatures that day exceeded 100 degrees.

The civil complaint cited violation of California Penal Code Section 597.7, which states that "no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal."

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